

Vrex-0018USAACN01
Application Serial No. 10/764,277

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Remarks

Applicants thank the Examiner for the attention accorded the instant application. In light of the following remarks, Applicants request that the pending rejections be withdrawn. Claims 1-3 were previously canceled, claims 4-6 were added by preliminary amendment in this application, and are unamended herein, and new claims 7-10 are presented herein.

The Examiner rejected claims 4-6 under 35 U.S.C. §103(a) as being unpatentable over Chuang et al. U.S. Patent No. 6,687,399 in view of Kobayashi U.S. Patent No. 5,781,321.

In order for a claimed invention to be obvious in view of a combination of references, three criteria must be met: 1) there must exist a suggestion or motivation to modify the reference or to combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MANUAL OF PATENT EXAMINING PROCEDURE § 2143-2143.03.

In the present application, the Examiner admits that Chuang does not teach the receiver being detachable from the shutter glass. However, there is no suggestion or motivation in to combine Chuang, which shows only a schematic of shutter glasses using IR communications (Figure 7 thereof), with Kobayashi, which shows an apparatus having plural IR ports to allow provide the best direction for IR connection. The plural ports in Kobayashi allow one to chance IR direction without changing direction of the apparatus. It is well settled that hindsight reconstruction must be avoided in making obviousness rejections, thus a key reason for the requirement that there must be "a suggestion or motivation to modify the reference or to combine reference teachings."

Applicants submit that the all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and favorable action is accordingly solicited.

Respectfully Submitted,

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